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JUSTIN A. HELLER, ESQ.  
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August 18, 2020

**VIA CM/ECF**

Hon. David N. Hurd  
United States District Court for the Northern District of New York  
Alexander Pirnie Federal Building and United States Courthouse  
10 Broad Street  
Utica, New York 13501

**Re: KeyBank National Association v. Monolith Solar Associates, LLC, et al.  
Case No. 1:19-cv-01562-DNH-ATB**

Dear Judge Hurd:

We represent the court appointed Receiver, Daniel Scouler, in the above referenced matter.

I am writing to provide clarification with respect to the August 17, 2020 letter from Frederick M. Altman, Esq., counsel for non-party Gary Hickok (Dkt. No. 164).

The Court's July 22, 2020 Memorandum-Decision and Order requires Mr. Hickok to provide the Receiver with access to the PV Systems by August 21, 2020 and permits Mr. Hickok to submit opposition to the Receiver's motion for an award of attorneys' fees on or before August 19, 2020.

Mr. Altman's letter states that power was restored to the PV Systems as of August 14, 2020 and requests an extension of time to August 21, 2020 to submit opposition papers. The letter also states that it was submitted with our consent.

I am writing to clarify that our consent was limited to the requested extension of time to respond to the motion for attorneys' fees. Further, restoring power to the PV Systems is insufficient; the Court's Order requires that the Receiver be given access to the PV Systems. While Mr. Altman has indicated to us that his client intends to comply, the Receiver has not yet

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been provided the required access and has not been able to confirm that power has been restored. Once the requirements of the Order have been met and confirmed, we will notify the Court.

Thank you for your consideration.

Very truly yours,

NOLAN HELLER KAUFFMAN LLP



Justin A. Heller

Cc: All ECF Parties